

Application No. 10/001,572

REMARKS

Claims 1 to 20 are pending in the application. The Examiner has subjected the claims to a restriction requirement and required that Applicant elect one of the following groups of claims for examination:

I. Claims 1 to 17, drawn to compounds, classified in class 548, subclass 255+ and in class 544, subclass 180+.

II. Claims 18 to 20, drawn to photoprotective cosmetic composition, classified in class 424, subclass 59+.

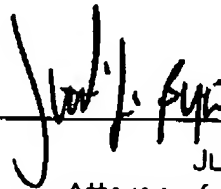
Applicants respectfully traverse the restriction requirement and maintain that the instant claims should be examined together. The Examiner has stated that the Group I claims and the Group II claims are related as product and process of use, and that in the instant case the process for using the product as claimed can be practiced with another materially different product such as a cinnamic acid. The Examiner has also indicated that the inventions have acquired a separate status in the art as shown by their different classifications. Applicants, however, are of the position that the Group II claims can be examined together with the Group I claims without undue burden. Applicants are also of the position that the patent classification system has been developed primarily for convenience, and separate classifications within this system is not indicative of distinctiveness for the purposes of a restriction requirement. Applicants thus maintain that the claims of Groups I and II should be examined together.

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In the event that the Examiner persists in the restriction requirement, Applicants elect the Group 1 claims (claims 1 to 17) for prosecution.

In the event the Examiner considers personal contact advantageous to the disposition of this case, she is hereby authorized to call Applicant(s) attorney, Judith L. Byorick, at Telephone Number (585) 423-4564, Rochester, New York.

Respectfully submitted,



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